



**A Publication of the
BARBERING AND COSMETOLOGY
EXAMINING BOARD**

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Governor McCallum Appoints Herrera

Governor Scott McCallum announced on March 30, 2001, that he had appointed Oscar Herrera as the Secretary of the Department of Regulation and Licensing. Herrera has served sixteen years in state government including from 1999 to the time of his appointment as the Director of the Bureau of Minority Business Development in the Department of Commerce. From 1992 to 1998 he was the Director of the Wisconsin Coastal Management Program in the Department of Administration, and from 1985 to 1991 worked as a program and planning analyst with the Coastal Management Program. He was twice awarded the Department of Administration's Exceptional Performance Award.

Herrera was born and raised in Mexico City. He obtained a Bachelor's degree in Economics from the National University of Mexico and a Master's degree in Agricultural Economics from the University of Chapingo in Mexico. He also attended the University

of Wisconsin-Madison where he obtained a Master's degree in Continuing and Vocational Education and completed Doctoral studies (Ph.D.abd) in Development.

Secretary Herrera Appoints Hildebrand

On June 1, 2001, Secretary Oscar Herrera appointed Katharine Hildebrand as the new Director of the Bureau of Business and Design Professions. Ms. Hildebrand comes to the Department of Regulation and Licensing from the Office of the Governor where she worked since 1999. She served on the Education Policy Team under former Governor Tommy Thompson, and became Education Policy Advisor for Governor Scott McCallum. Ms. Hildebrand grew up in Neenah, and earned her Bachelor's degree from Smith College in Massachusetts.

Credential Non-Renewal

The Wisconsin Department of Regulation and Licensing renews the credentials of licensed professionals pursuant to Section 440.08(1) of the Wisconsin Statutes. It is very important for you to provide the Department of Regulation and Licensing with any changes in address to ensure receiving renewal material. Failure to receive a notice of renewal does not relieve the holder from the obligation of having a current credential. According to BC 9.01 (1), Wis. Admin. Code, if a credential holder is late with his or her renewal, but is within 5 years after the renewal date, the credential shall be renewed upon payment of the renewal fee and a late filing fee. On the other hand, BC 9.02, Wis. Admin. Code, says:

**THE WISCONSIN BARBERING AND
COSMETOLOGY EXAMINING BOARD**

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"If the application for renewal is 5 years or more after the expiration of the applicant's last license, the board in its discretion may require as a condition of renewal that the applicant successfully pass the examination."

Practicing without the appropriate credential has many ramifications. The non-renewal of the professional license puts the professional in the position of practicing without a license, which may result in disciplinary action. Other consequences of practicing without a license include the invalidation of malpractice insurance or liability insurance.

A current credential is a necessity for a professional to practice his or her field. It behooves all professionals to stay abreast of the renewal dates for their specific field, and abide by the appropriate Wisconsin statutes or administrative rules.

Hepatitis B Virus Exposure

The Centers for Disease Control and Prevention (CDC) states that practitioners working in the allied health field may be at risk for hepatitis B virus (HBV) exposure if their tasks involve contact with blood or blood-contaminated body fluids. Therefore, such workers should be vaccinated. Risks among practitioners vary during the training and working career, but are often highest during the professional training period. For this reason, when possible, vaccinations should be completed during training in schools before workers have their first contact with blood. For more information, practitioners should contact their personal physician.

J-Tip Anesthesia

The Aesthetics, Electrology and Manicuring Scope of Practice Advisory Committee has concluded that the use of the J-Tip needle-free injection system is not within the scope of practice for electrologists or any other profession regulated by the Barbering and Cosmetology Examining Board. The following excerpts, written by the FDA, address the licensing requirements for such use:

"The FDA considers the J-Tip Needleless Injector to be a prescriptive device...A prescription device is a device that, because of the potentiality for harmful effects, or the method of its use or the collateral measures necessary for its use, is not safe except under the supervision of a licensed practitioner. A prescription device may only legally be sold to or on the prescription or other order of a practitioner for use in the course of his or her professional practice."

"The distribution scheme described for the prescription drugs sold with the J-Tip Anesthetic System does not appear to conform with these requirements"

Disciplinary Actions

AVERY K MEEKS
ANTHONY L OLIPHANT SR
d/b/a EXODUS HAIR STUDIO
MILWAUKEE WI

FORFEITURE

The establishment closed and then reopened. The salon manager's license expired on 6/30/99 and has not been renewed since expiration. During that time the manager did not have a current barbering and cosmetology manager's license. In March of 2000 an inspection revealed an unlicensed person providing barbering and cosmetology services. Pay forfeiture of \$2,000.00. Effective 6/4/2001. Sec. 454.04(1)(a), Stats. BC 2.04(1), 3.02(1), 3.02(1)(a) Case #LS0106042BAC

GAULIEN L SMITH
d/b/a GEE'S CLIPPERS
MILWAUKEE WI

FORFEITURE

Employed three unlicensed individuals who were observed providing barbering and cosmetology services for clients. Pay forfeiture of \$3,000.00. Effective 2/5/2001. Sec. 454.04(1)(a), Stats. BC 2.04(1) Case #LS0102054BAC

DANIELLE KRUEGER
WAUWATOSA WI

FORFEITURE

Provided barbering and cosmetology services without a valid license. Pay \$1,000.00 forfeiture. Effective 6/4/2001. Secs. 454.04(1)(a), 454.15(2)(g), Stats. Case #LS0106046BAC

CARMELLA JENKINS
d/b/a SOUTHERN CUTS AND NAILS
MADISON WI

VOLUNTARY SURRENDER

Submitted an establishment application that included a floor plan that did not accurately reflect the actual floor plan. Employed an individual to provide barbering and cosmetology services who did not hold a valid and current license. An inspection revealed that staff had failed to properly clean and disinfect contact equipment, failed to keep the equipment in a covered container, and failed to post a written protocol regarding exposure to bodily fluids. The inspection also revealed that the establishment was in operation without a full time licensed barbering and cosmetology manager on staff. The salon has closed. Effective 4/2/2001. Sec. 454.15(2)(a),(i), Stats. BC 2.04, 2.06(5), 3.01(1),(5),(6),(12), 3.02(1), 3.04, 4.01, 4.02(1),(2),(3),(8), 4.05(2) Case #LS0104022BAC

FANCY NAILS
WAUSAU WI

FORFEITURE

Operated salon without a current manicurist establishment license. Employed two unlicensed manicurists. Pay \$2000.00 forfeiture. Effective 12/4/2000. Secs. 454.04(1)(d), 454.08(1)(b), 454.15(2)(i), Stats. BC 2.04, 2.06, 3.01(1) Case #LS00120412BAC

KENNETH J OLSEN
OLY'S BARBER SHOP
BAYFIELD WI

FORFEITURE

Establishment license and manager's license both expired. The salon remained open for business and the manager continued to provide barbering services after the licenses had expired. Pay \$1,000.00 forfeiture. Effective 6/4/2001. Sec. 454.04(1)(b), Stats. BC 2.04(1) Case #LS0106043BAC

H CHRISTINE MCGLYNN
HAIR CARE HARMONY
POYNETTE WI

FORFEITURE

An inspection of the establishment revealed that workstations were not supplied with topical antiseptics. Pay \$100.00 forfeiture. Effective 2/5/2001. Sec. 454.15(2)(i), Stats. BC 4.01(1) Case #LS0102053BAC

DANIELLE VAN NGO
d/b/a WONDER NAILS
TRI T NGO
BEAVER DAM WI

REPRIMAND/FORFEITURE

During an inspection of the establishment it was found that licenses were not posted, poisonous substances were kept in an unlocked cabinet in public areas of the establishment, there was no lid for the soiled linen container, and there were no disposable gloves at the workstations. Pay forfeitures of \$200.00 and \$300.00. Effective 2/5/2001. BC 2.07(2), 3.01(6),(7), 4.01(2), 4.04(2), 2.08(1) Case #LS0102052BAC

HUNG V BUI

d/b/a CHERI NAILS

PEWAUKEE WI

FORFEITURE

An inspection of the salon revealed: moved to a new location without obtaining a new license; two individuals were performing manicuring services without current licensure; poisonous substances were stored in an unlocked cabinet in a public area of the salon; equipment was not maintained in a sanitary condition. A second inspection revealed: nail adhesive containing methyl methacrylate (MMA) was being used; disinfectant was not changed on a daily basis; manicuring instruments that cannot be disinfected were not disposed of following use. Pay \$4,400.00 forfeiture. Effective 4/2/2001. Secs. 454.04(1)(d), 454.08, 454.15(2)(i), Stats. BC 2.03(5), 2.04, 2.06, 3.01(6), 4.01(1), 4.02(3)(a), 4.10 Case #LS0104021BAC

REGIS CORPORATION

d/b/a REGIS SALON #4889

WAUWATOSA WI

FORFEITURE

An inspection of the salon revealed workstations were not maintained in a clean and sanitary condition; and the salon employed a practitioner whose license had expired. Pay \$1,100.00 forfeiture. Effective 4/2/2001. Secs. 454.04(1), 454.15(2)(i), Stats. BC 2.04(1), 2.06, 4.01(1) Case #LS0104025BAC

SHIRLEY A WEBER

BROOKFIELD WI

FORFEITURE

As manager of record for Regis Salon #4889, an inspection revealed workstations were not maintained in a clean and sanitary condition; and the salon employed a practitioner whose license had expired. Pay \$1,100.00 forfeiture. Effective 4/2/2001. Secs. 454.04(1), 454.15(2)(i), Stats. Case #LS0104028BAC

VICKY L MAYNARD

MILWAUKEE WI

FORFEITURE

Worked part-time performing barbering and cosmetology services with an expired license. Pay \$1,000.00 forfeiture. Effective 4/2/2001. Sec. 454.04(1), Stats. Case #LS0104024BAC

THESPO SOTIRIN

BROOKFIELD WI

FORFEITURE/COSTS

An inspection revealed the workstation was not maintained in a clean and sanitary condition. Pay \$100.00 forfeiture and \$100.00 costs. Effective 4/2/2001. Sec. 454.15(2)(i), Stats. BC 4.01(1) Case #LS0104026BAC

JO ANN M KULASIEWICZ

WEST ALLIS WI

FORFEITURE/COSTS

An inspection revealed her workstation was not maintained in a clean and sanitary condition. Pay \$100.00 forfeiture. Pay \$100.00 costs. Effective 4/2/2001. Sec. 454.15(2)(i), Stats. BC 4.01(1) Case #LS0104023BAC

LINDA VANAACKEN

WAUWATOSA WI

FORFEITURE/COSTS

An inspection revealed her workstation was not maintained in a clean and sanitary condition. Pay \$100.00 forfeiture and \$100.00 costs. Effective 4/2/2001. Sec. 454.15(2)(i), Stats. BC 4.04(1) Case #LS0104027BAC

DEANNA R FINLEY

d/b/a GREAT CLIPS

DELAVER WI

FORFEITURE

Failed to maintain sanitary premises. Failed to provide disposable gloves. Pay forfeiture of \$2,000.00. Effective 6/4/2001. BC 4.05(2), 4.02(3a), 3.01(4), 4.04(2), 2.06(2) Case #LS0106045BAC

LONG B DAM

NAIL EXPO

MILWAUKEE WI

FORFEITURE

Employed unlicensed manicurists. Sanitary violations - not washing hands between customers; filthy floors; used nail files located at workstations; poisonous substances stored in open area; nail brushes not sterilized; pedicure tub dirty and contained nail residue; manicuring implements were store uncovered in drinking glasses. Pay forfeiture of \$2,400.00. Effective 6/13/2001. Sec. 454.04(1)(d), Stats. BC 2.04(1), 2.07(2), 2.08, 3.01(1),(4),(6), 4.01(1),(2), 4.10(1)(a),(2) Case #LS0106131BAC

ANTONIO LE

d/b/a GLAMOUR NAILS

GREEN BAY WI

REPRIMAND/FORFEITURE

An inspection of the establishment revealed that used nail files were not thrown away but were placed in a container containing the clean and unused files. Failed to store sterilized equipment in a covered container and not disposing of equipment that cannot be cleaned with soap or detergent. A complaint had been received alleging a customer got a nail infection as a result of the unsanitary conditions. Pay forfeiture of \$100.00. Effective 6/4/2001. BC 4.02(3a), 4.03(4) Case #LS0106041BAC

KHEN TRI

d/b/a KIMBERLY NAILS

MIDDLETON WI

FORFEITURE

An inspection of the salon revealed that nail brush disinfectant was not being changed on a daily basis, and used nail files were not properly disposed of after use. Pay forfeiture of \$100.00. Effective 6/4/2001. Sec. 454.15(2)(i), Stats. BC 4.02(4), 4.10(1)(b) Case #LS0106044BAC

ERIC PARR

MILWAUKEE WI

ADMINISTRATIVE INJUNCTION

Engaged in the practice of barbering and cosmetology without a license. Shall not practice or offer to practice until he obtains a license. Violation of this order may result in a forfeiture of up to \$10,000.00 for each offense, and each day of a continued violation constitutes a separate offense. Effective 5/11/2001. Sec. 454.04(1)(a), Stats. Case #LS0104261BAC

CHARLEY TRAN

MILWAUKEE WI

ADMINISTRATIVE INJUNCTION

Engaged in the practice of manicuring without a license. Shall not practice until he obtains a license. Effective 7/13/2001. Sec. 454.04(1)(d), Stats. Case #LS0105161RAL

CHRISTINE LE

MILWAUKEE WI

ADMINISTRATIVE INJUNCTION

Engaged in the practice of manicuring without a license. Shall not practice until she obtains a license. Effective 7/13/2001. Sec. 454.04(1)(d), Stats. Case #LS0105162RAL

REGULATORY DIGEST

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New Telephone Directory

The Department of Regulation and Licensing has recently implemented an IVR Auto-Attendant Telephone System. This system may be accessed 24 hours a day for computerized licensing information. We ask for your patience as we perfect the system and remove some of the bugs we have encountered. You may continue to dial the following telephone number; **however, the extension numbers that had been published in past issues of the Regulatory Digest are no longer valid.** Please listen to the new menu for the new extension numbers. The number to dial is:

(608) 266-5511

NOTE: Please make sure you dial the 608 area code rather than 414. The Department does not have an office in Milwaukee.

Our Fax Number is: **(608) 267-3816**

Board Meeting Dates for 2002

February 4, April 8, June 3, August 5, October 7, December 2
Meetings are held at 1400 E. Washington Ave, Madison, WI and begin at 9:30 a.m. Meeting dates are subject to change.

Visit the Department's Web Site

www.drl.state.wi.us

For our "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to web@drl.state.wi.us

Wisconsin Statutes and Code

Copies of the Barbering & Cosmetology Examining Board Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated July, 2001.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

Subscription Service

Bi-annual digest subscriptions are published for all credentials in the Department at a cost of \$2.11 each per year. CREDENTIAL HOLDERS RECEIVE THEIR REGULATORY DIGEST FREE OF CHARGE. Others may send the fee and this form to the address listed above.

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Suggested Topics for Articles for the September 2001 Digest.

Articles must be received by Roxanne no later than **August 6, 2001**. Anything received after that date will be held until the March 2002 digest.

- Recommendations of Aesthetic, Electrology & Manicuring Scope of Practice Committee
- Proposed Administrative Rules & Legislative Changes
- IRS Answers to questions concerning employer-employee relationships
- Practice Questions
- Hildebrand: Article re: Tattooing, body piercing and tanning booths are not in the Board's scope of practice.